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Letter dated 20 December 2011 from the Chair of the Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Analytical Support and Sanctions Monitoring Team established pursuant to Security Council resolution 1526 (2004), described in paragraph (aa) of annex I to Security Council resolution 1989 (2011) and in paragraph (u) of the annex to Security Council resolution 1988 (2011) (see annex).

The report was submitted on 16 September 2011 to the Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities and to the Security Council Committee established pursuant to resolution 1988 (2011).

The report and its recommendations reflect the views of the Monitoring Team and remain under the consideration of both Committees.

In line with resolutions 1988 (2011) and 1989 (2011), the Monitoring Team is requested to continue to report periodically on linkages between Al-Qaida and those individuals, groups, undertakings or entities eligible for designation under paragraph 1 of resolution 1988 (2011), with a particular focus on entries that appear on both the Al-Qaida Sanctions List and the 1988 List.

I should be grateful if the present letter and its annex could be brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Miguel **Berger**
Acting Chair
Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities

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Report of the Analytical Support and Sanctions Monitoring Team pursuant to Security Council resolutions 1267 (1999), 1988 (2011) and 1989 (2011) concerning linkages between Al-Qaida and the Taliban as well as other individuals, groups, undertakings and entities associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan

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I. Summary

1. The present report examines past and current links between the Taliban and Al-Qaida. It considers how these linkages have developed and where they are headed. The report concludes that, despite a close association over many years, the Taliban and Al-Qaida continue to have very different objectives. While the Taliban is determinedly focused on Afghanistan, Al-Qaida seeks a broader role. An immediate difference of opinion has arisen from the increasing involvement of Al-Qaida in extremist violence against the Pakistani State, action that the Taliban opposes for itself and as a distraction of effort from the Afghan insurgency.

2. While historic links exist between the Taliban and other listed groups aligned with Al-Qaida, the synergies and cooperation between them are weak. Taliban association with foreign fighters in Afghanistan, especially those from outside the region, depend more on individual initiative than institutional agreement. The only exception to this is found with Uzbek groups, which offer the Taliban reach into areas of Afghanistan away from the Pashtun heartlands of the south.

3. The report concludes, for these and other reasons, that there are strong arguments in favour of ensuring that the 1988 List and the Al-Qaida Sanctions List keep their separate focus, and that dual listings should be avoided unless there are clear and obvious reasons to introduce them. The 1988 List can be a useful tool for the promotion of a political process in Afghanistan; the Al-Qaida Sanctions List will remain a key part of the international effort to counter terrorism. The two lists will perform these roles best if they remain separate.

II. Introduction

4. The Security Council, in its resolution 1988 (2011), directed the Monitoring Team:

> To submit to the [1988] Committee within 90 days a written report and recommendations on linkages between those individuals, groups, undertakings and entities eligible for designation under paragraph 1 of this resolution and Al-Qaida, with a particular focus on entries that appear on both the Al-Qaida sanctions List and the List referred to in paragraph 1 of this resolution.[1]

5. In a similar vein, the Security Council, in its resolution 1989 (2011), asked the Monitoring Team:

> To submit to the [Al-Qaida Sanctions] Committee within 90 days a written report and recommendations on linkages between Al-Qaida and those individuals, groups, undertakings or entities eligible for designation under paragraph 1 of resolution 1988 (2011), with a particular focus on entries that appear on both the Al-Qaida sanctions List and the 1988 List.[2]

6. As the Team sees no substantive difference between the wording of the two resolutions in this respect, it offers the following report to both the Security Council Committee established pursuant to resolution 1988 (2011) and to the Al-Qaida Sanctions Committee.

[1] Security Council resolution 1988 (2011), annex I, para. (u).

[2] Security Council resolution 1989 (2011), annex I, para. (aa).

III. Background

A. Evolution of the sanctions regime

7. The Security Council created the Al-Qaida/Taliban sanctions regime as a direct result of the linkage between the Taliban and Al-Qaida. The Council, in its resolution 1267 (1999), imposed sanctions on the Taliban in order to persuade its leadership to stop harbouring Al-Qaida and to hand Usama bin Laden over to justice, in particular to answer charges that he was responsible for the August 1998 terrorist attacks on the United States Embassies in Nairobi and Dar es Salaam. The Council, in its resolution 1333 (2000), further emphasized this linkage by extending the sanctions beyond the Taliban to Usama bin Laden and individuals and entities associated with him, including Al-Qaida.

8. Following the overthrow of the Taliban and the dispersal of Al-Qaida in 2001, the Security Council continued to target the sanctions regime against both groups. It assessed that the Taliban, if allowed to regain power in Afghanistan, would again provide Al-Qaida with a safe haven from which it could plan and mount terrorist attacks. However, although the Council made no practical distinction in the application of the measures, it nonetheless divided its List of individuals and groups subject to the sanctions into two parts: one for the Taliban and one for Al-Qaida.

9. In the intervening years it has been evident that the 1267 Committee of the Security Council, which has been responsible for overseeing the sanctions regime, has regarded the threat to international peace and security from Al-Qaida as significantly more important than the threat from the Taliban. Between January 2002 and June 2011 it added 301 names to the Al-Qaida part of its List, but only eight to the Taliban part.[3]

10. On 17 June 2011, by adopting resolutions 1988 (2011) and 1989 (2011), the Security Council decided to split the 1267 sanctions regime into two regimes. One regime was to address the Taliban (and other individuals, groups, undertakings and entities associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan), while the other was to address the threat posed by Al-Qaida and its associates. The List was divided between the two regimes according to its existing distinction between individuals and entities associated with the Taliban (sections A and B) and those associated with Al-Qaida (sections C and D).

B. Overview of the relationship between the Taliban and Al-Qaida

1. The Taliban

11. It is significant that while statements by Al-Qaida leaders to mark the end of Ramadan in 2011 attempted to integrate the Afghan insurgency into their own struggle, equivalent Taliban statements failed to mention Al-Qaida at all.[4] The Taliban remains what it has always been: a national movement with little interest beyond Afghanistan. Although a shared religion and overlapping objectives have led the Taliban to provide Al-Qaida a measure of support, the Taliban has not embraced

[3] One in 2007, five in 2010 and two in 2011 before 17 June.

[4] The most recent being from Mullah Omar on the occasion of Eid al-Fitr in late August 2011.

the international agenda that defines Al-Qaida. Al-Qaida has been, and remains, useful to the Taliban for what it can provide in technical and tactical terms, but the Taliban does not see it as a political ally.[5]

12. Mullah Omar (listed as Mohammed Omar) (TI.O.4.01) may never formally reject Al-Qaida, and it would be embarrassing for him to do so considering what the Taliban has lost as a result of his support for Usama bin Laden (QI.B.8.01). However, Taliban messages since 2009 have often repeated that a future Taliban government will neither disturb the internal security of any other State, nor allow any one to do so from Afghan territory. Even if these are tactical statements, and they would in any case be hard to enforce, it is a clear enough message to Al-Qaida and its associates.

13. While both Al-Qaida and, to a lesser extent, the Taliban are heterogeneous bodies that are hard to define, there are no Afghans among the Al-Qaida senior leadership, and there are no members of Al-Qaida on the four regional councils that direct the military activities of the Taliban.[6] This disassociation between the leadership of the two groups is also evident in their strategy, most notably towards Pakistan. Al-Qaida has placed the Pakistani State near the top of its target list, while the Taliban leadership expressly excludes attacks on Pakistan and devotes all its energy and resources to attacking the Afghan Government and its international allies.

14. The death of Bin Laden on 1 May 2011 will have had the effect of further weakening the links between the Taliban and Al-Qaida. Bin Laden represented the past contribution of Al-Qaida to the Taliban in a way that his successor does not. It is noticeable that, although the Taliban leadership issued two statements on the death of Bin Laden, on 6 and 11 May 2011, neither said anything about his successor and both mentioned Bin Laden's contribution in Afghanistan only in the context of the fight against the Soviet Union.[7] Indeed, the Taliban issued a statement on the tenth anniversary of the attacks in the United States on 11 September 2001 to repeat that they had had nothing to do with them.[8]

2. Al-Qaida

15. During the Taliban regime (1996-2001), Afghanistan was vital to Al-Qaida's growth; not only because the Taliban allowed it a secure base and freedom of action, but also because Al-Qaida could advertise its training camps as being in a "true"

[5] Since 2008 Al-Qaida has held numerous workshops and "train the trainers" campaigns in the manufacture of improvised explosive devices and has helped the Taliban to deploy suicide bombers, but both the use of improvised explosive devices, with their indiscriminate killing of civilians, and of suicide bombers, are alien to Afghan traditions.

[6] The "Quetta" shura, the "Miran Shah" shura (also known as the Khost shura), the "Peshawar" shura and, until early 2011, the "Gerdi Jangal" shura. Some reports suggest that Al-Qaida has had some sort of observer status from time to time within these shuras.

[7] Available in English from www.shahamat-english.com/index.php?option=com_content&view=article&id=7078:statement-of-the-leadership-council-of-the-islamic-emirate-of-afghanistan-regarding-the-martyrdom&catid=4:statements&Itemid=4; and www.shahamat-english.com/index.php?option=com_content&view=article&id=7232:the-martyrdom-of-sheikh-osama-will-not-benefit-america&catid=2:comments&Itemid=3.

[8] In contrast, the anniversary statement of Aiman al-Zawahiri (QI.A.6.01) discussed Afghanistan at length. Available in English from: http://flashpoint-intel.com/images/documents/pdf/0110/flashpoint_zawahiri091211.pdf.

Islamic country that it had helped to establish.[9] Even so, the relationship between Al-Qaida and the Taliban was tolerant rather than close. While the Arab members of Al-Qaida recognized Mullah Omar as the "Commander of the Faithful",[10] they did not look to him for orders or involve him in their attack planning. Nor did they train Afghans at their camps.

16. Although Usama bin Laden attempted to persuade his followers that he had foreseen and welcomed the invasion of Afghanistan by the United States and its allies following the terrorist attacks of 11 September 2001, the loss of its Afghan base was a devastating blow to Al-Qaida. But rather than do everything it could to restore the Taliban to power, Al-Qaida leaders sought out new bases in the Afghanistan/Pakistan border area, approaching contacts they had known since the 1980s.

17. Although Afghanistan continued to provide an opportunity to fight the United States and its allies, and although Arab fighters, many of whom saw themselves as members of Al-Qaida, continued to go there, an analysis of the messages distributed by Al-Qaida senior leaders between 2002 and 2011 suggests that their focus had hardly changed since the formation of the movement in 1988. The main enemy remained the United States and its allies in the Middle East, and while content to join in on an ad hoc basis, particularly with major attacks, Al-Qaida appears to have left the fight in Afghanistan to the Taliban.[11] Indeed, there is no corroborated information that Usama bin Laden and Mullah Omar had any significant or sustained contact after 2001.

18. Until 2006, the Arab leaders of Al-Qaida were encouraged to continue their pursuit of global terrorism by the success of several major terrorist attacks in South-East Asia, Europe, the Russian Federation, the Middle East, and North Africa. After 2006, however, the frequency and number of large-scale attacks declined and, as a result of determined international effort, the leadership found itself increasingly cut off from its global supporters and with limited means to inspire or direct them. As counter-terrorist pressure mounted, many in the Al-Qaida leadership began to focus more on Pakistan, where it made common cause with leaders of other violent extremist groups, in particular to undermine the ability of the Government of Pakistan to exert its authority in the Federally Administered Tribal Areas where they were based.[12]

19. Al-Qaida's main links with the Taliban became local and tactical, often reflecting individual and personal connections rather than institutional ones. This

[9] In fact, Al-Qaida made a minimal contribution to the fighting against the Soviet Union.

[10] Mullah Omar adopted the title "Amir al-Mumineen" (Commander of the Faithful) in 1996. Significantly, he refused to take the title of "Caliph", despite encouragement to do so, as that would have implied that other countries should obey him, while "Amir" denotes a purely national authority.

[11] It appears that at the time of his death in May 2011, Usama bin Laden was rather more focused on attacking targets in the West, in particular in the United States, and planning an atrocity to mark the tenth anniversary of the attacks of 11 September 2001, the high point of Al-Qaida achievement, than he was on helping the Taliban to regain control of Afghanistan.

[12] Whether a symptom or a cause, militancy in Pakistan increased significantly following the Red Mosque incident in Islamabad in July 2007.

trend increased as new Taliban commanders emerged and the few Al-Qaida leaders who had had good Afghan contacts died or were captured.[13]

IV. Current linkages between those eligible for designation on the 1988 List and those eligible for designation on the Al-Qaida Sanctions List

A. Who is eligible for designation

20. Eligibility for designation by the 1988 Committee extends beyond the Taliban to include individuals and entities designated prior to this date as the Taliban, and other individuals, groups, undertakings and entities associated with them .. as well as other individuals, groups, undertakings and entities associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan.[14]

21. Eligibility for designation on the Al-Qaida Sanctions List remains much as it was under the former 1267 regime, with the important exception that association with the Taliban is no longer a criterion for listing. The sanctions target Al-Qaida and other individuals, groups, undertakings and entities associated with them.[15] Although certain individuals and groups might satisfy both sets of criteria, there are currently no entries that appear both on the 1988 List and on the Al-Qaida Sanctions List.

B. Various forms of current linkage and their significance

22. After more than 25 years of living in the same area, it is inevitable that there are many personal and some structural linkages between those individuals and groups who fight with the Taliban, and individuals and groups that more closely align with Al-Qaida. These linkages take various forms: for individuals they may be based on kinship, friendship, marriage ties, shared objectives, shared ideology, shared enemies, shared operational space, or a mixture. For groups, they may be based on joint objectives, joint training, joint planning, joint operations or joint command.

23. Whereas social relationships among Pashtuns are generally structured and quite strictly governed by tribal traditions and local culture, the relationships between extremist groups operating in the Afghanistan/Pakistan border area are often based on less formal associations between individuals. These personal linkages are often complex and overlapping in that an individual may partner with several groups, each one for different reasons, and bring a variable group of other associates along with him. This can easily lead to a confused picture of the nature, extent and depth of linkages between militant groups, as well as making it hard to define the precise membership of each group. Two groups might cooperate in one area but not in another; or despite having similar objectives, two groups might not cooperate in any meaningful way, depending on local circumstances or local

[13] For example, Sheikh Saeed al-Masri, a key Al-Qaida leader killed in May 2010, was known for his close personal links with the Taliban.

[14] Security Council resolution 1988 (2011), para. 1.

[15] Security Council resolution 1989 (2011), para. 1.

initiatives. An atmosphere of general promiscuity prevails, as individuals and groups change their relationship status according to pressure or perception of advantage.

24. **Nonetheless, although the Team has heard occasionally of Afghan nationals fighting in Iraq, Yemen and East Africa, none of them has been described as a member of the Taliban, nor have any achieved sufficient prominence to attract a successful listing submission.**[16] Equally, although many non-Afghans have been found fighting in Afghanistan, and not just from neighbouring countries, none has come to such prominence as to have merited designation on the Taliban sections of the 1267 Consolidated List.

25. The relationship between Al-Qaida and the Taliban is governed by the very different size of each organization and the fact that, while the Taliban aims to reach into all areas of Afghanistan, the Al-Qaida presence is far more limited. Information from the Government of Afghanistan, the International Security Assistance Force (ISAF), and the United Nations suggests that Al-Qaida fighters in Afghanistan are confined primarily to the provinces along the Pakistan border in the south, south-east and east of the country, with some members of the Islamic Movement of Uzbekistan (IMU) (QE.I.10.01) also in the northern provinces of Takhar and Kunduz.[17] A larger group of more loosely aligned foreign militants move in similar patterns, abetted by the same insurgent networks. There is no evidence that Taliban commanders support or harbour Al-Qaida and their associates as a matter of course.[18]

1. Afghan Taliban linkages with non-Afghan groups and individuals

26. The Afghan Taliban remains a structured organization with a clear hierarchical order, but it no longer operates with the effective command and control that existed in 2001. While Mullah Omar remains the titular head of the movement and has more authority than any other Taliban leader, his orders no longer determine the military campaign, nor drive the administration of areas of Afghanistan under Taliban control.[19] Regional Taliban commanders have become increasingly autonomous and often look more like local warlords fighting for land, revenue and authority than members of a disciplined organization seeking national power.[20] They may call themselves — or be seen as — Taliban merely because they are fighting the Afghan Government; equally, their associations with foreigners, who may or may not be aligned with Al-Qaida, do not necessarily reflect agreements at a more senior level of the organization.

27. Local Taliban commanders can have relationships with foreign fighters, whether Al-Qaida or others, at several different levels. They may provide shelter for passing foreigners without knowing their identity or making any further enquiries as

[16] Apart from an instance in Iraq, the only reported arrest of an Afghan national planning terrorism abroad was that of Najibullah Zazi, an American Afghan who was trained and deployed by Al-Qaida.

[17] See annex.

[18] In fact, the Taliban leadership has instructed shadow provincial governors inside Afghanistan to keep an eye on foreign fighters and, where possible, send them back to Waziristan.

[19] The Taliban has a shadow administrative system throughout Afghanistan, but regional and local commanders have a high degree of autonomy.

[20] It is significant that Mullah Omar's Eid al-Fitr message of 28 August 2011 mentioned in no less than eight paragraphs the need for Taliban members to obey central orders and follow the Taliban code of conduct.

to their purpose in line with Afghan norms of hospitality. They may seek mutual benefit, for example, by arranging safe passage through difficult terrain in exchange for a fee, and while such cooperation requires the Afghan partner to have at least some understanding of the nature of the foreigner he is assisting, it is essentially a business arrangement that denotes no ideological proximity. Relationships may also be based on shared ideology and unity of purpose with full awareness of the other's identity; for example, by inviting training in the production or placement of improvised explosive devices. Still more significantly, associations may involve the sharing of funds, as opposed to a common exploitation of identical funding channels, but reported incidents of this are extremely rare.

28. Although the territory in which the Taliban operates has become much larger since 2008, the spread of foreign fighters has remained the same, with few, if any, found in the majority of Afghanistan's provinces. While this may in part reflect weak Taliban central control and the relatively small number of Al-Qaida operatives in the country, the continued presence over time of foreign fighters in areas dominated by specific commanders, or their successors, tends to illustrate the key role of individuals in forging partnerships with Al-Qaida. Taliban individuals who are known to associate with members of groups named on the Al-Qaida Sanctions List are usually not known to have contact with listed Al-Qaida individuals, pointing to the relatively junior level and individual initiative of foreign fighters who seek out the Taliban in order to fight in Afghanistan.

29. At a senior level, although Taliban members profess to share the ideological aspirations of Al-Qaida, and may do so, at the same time they are conscious of the need to present the right image in order to secure donations and political support, especially from donors in the Gulf. Taliban publications therefore may not reflect the ideology of the writer so much as the ideology of the prospective donor. Even so, Taliban appeals for donations ask for support for an independent Afghanistan, not for a global campaign against the West. The Taliban movement, however broadly construed, does not claim to mount or support attacks outside Afghanistan, and there has been no evidence of it doing so.[21]

(a) Haqqani network

30. The Haqqani network is a well knit and disciplined group of fighters led by the most powerful Afghan family involved in the insurgency. As members of the Zadran tribe, the Haqqanis find support on both sides of the Afghanistan/Pakistan border and operate in the east of Afghanistan, away from the Taliban heartlands of Kandahar and Helmand in the south.[22] Its fighters and associates provide much of the impetus behind the Afghan insurgency and have been responsible for many of its most significant attacks, including against non-military international targets, such as the Embassy of India and the United Nations.[23] As a result, the names of seven

[21] However, some Taliban who have spent time in prison or internment camps have become more radicalized and are more likely to support an Al-Qaida global agenda.

[22] The Haqqanis are based in Khost but have significant influence through all Loya Paktia and in North Waziristan on the Pakistan side of the border.

[23] The Haqqani network is believed responsible for three attacks on Indian interests in Kabul, two on the Indian Embassy, in July 2008 and October 2009, and one on a guest house used by Indian nationals in February 2010. The Haqqani network is also believed responsible for an attack on a United Nations guest house in October 2009.

senior leaders of the network appear on the 1988 List.[24] While the Haqqani network is affiliated with the Taliban, and well integrated within its leadership, it does not behave as a subordinate body.

31. **Jalaluddin Haqqani (TI.H.40.01), the founder and leader of the network**, is one of the most experienced and respected militant leaders in Afghanistan. He built a reputation as a fighter against the Soviet Union and continues to enjoy high standing, influencing Taliban policy as a member of the supreme council (ulema shura) chaired by Mullah Omar.[25] Jalaluddin's son, Sirajuddin (TI.H.144.07), formerly the military commander of the Miram Shah/Khost regional shura, is a member of the Taliban central shura and is believed to act there as deputy to the Taliban's overall military commander. Jalaluddin's youngest son, Badruddin (TI.H.151.11), is the head of the Miram Shah/Khost regional shura and is in charge of its military operations, enjoying considerable independence from the Taliban leadership. Another son, Nasiruddin (TI.H.146.10), looks after the financial affairs of the Taliban.

32. While it has contributed to the rise in extremism in Pakistan, the Haqqani network, in common with the central leadership of the Taliban, has not engaged in militant action outside Afghanistan, although it has the clear capacity to do so. Jalaluddin Haqqani has in the past refused to cooperate with militant organizations based in Pakistan such as Harakat ul-Jihad Islami (HuJI) (QE.H.130.10) and Harakat ul-Mujahidin (HuM) (QE.H.8.01), which have sought support for their operations in Kashmir, and has similarly declined approaches from Qari Saifullah Akhtar, the present leader of HuJI, and Fazal ur Rehman Khalil, the present leader of HuM, to support attacks in Central Asia. But Haqqani-led attacks in Afghanistan, particularly those directed against India, suggest support for a wider agenda than the Taliban alone.

33. Also, as the Haqqani network shares geographical space with Al-Qaida and related Pakistan-based militants, this has led to complicity, if not active cooperation, between them, especially following the Pakistan army campaign launched in 2009, which forced many extremists to relocate from South Waziristan to North Waziristan. There is contradictory evidence concerning these relationships. On the one hand, the Haqqanis have disagreed with groups like Tehrik-e Taliban Pakistan (TTP) (QE.T.132.11) that focus their attacks on targets inside Pakistan at the expense of the effort across the border,[26] but, on the other hand, they have not openly challenged their presence in territory under their control.[27]

[24] In addition to Jalaluddin Haqqani (TI.H.40.01), these are Sirajuddin Jallaloudine Haqqani (TI.H.144.07), Badruddin Haqqani (TI.H.151.11), Khalil Ahmed Haqqani (TI.H.150.11), Nasiruddin Haqqani (TI.H.146.10), Mohammad Ibrahim Omari (TI.O.42.01) and Sangeen Zadran (TI.Z.152.11).

[25] Jalaluddin is often reported, however, to be seriously ill.

[26] An example was the personal involvement of Hakimullah Mehsud (QI.M.286.10), the TTP leader, in the murder of Colonel Imam, a retired officer of Pakistan's Directorate for Inter-Services Intelligence, famous for his links with the Taliban and the Haqqani network during the period of Soviet occupation, despite a personal appeal by Sirajuddin Haqqani. Also, the Haqqani network is reported to have encouraged Fazal Saeed Haqqani, the leader of the Kurram branch of TTP, to break away in June 2011 and form a new militant group called Tehrik-e-Taliban Islami Pakistan (TTIP) that would neither target civilians nor the Pakistani State.

[27] They may fear that a confrontation would have an uncertain outcome.

34. The Haqqani network also has a similarly ambiguous relationship with other Pakistani extremist groups that, like Al-Qaida, attack targets in Pakistan, as well as with Lashkar-e-Tayyiba (LeT) (QE.L.118.05), which was aligned with Abdul Rab Rasool Sayyaf, a supporter of the Taliban's arch enemy Ahmed Shah Masood, during the Afghan civil war following the withdrawal of the Soviet Union. While there is little public information about the Haqqani relationship with Al-Qaida senior leaders, the death of Al-Qaida operatives is often reported to have taken place in areas believed to be under Haqqani control.[28]

(b) Other partnerships

35. Just as the Taliban values its partnership with the nominally subservient Haqqani network as a way to expand its influence beyond the four provinces of southern Afghanistan, it also allies itself with other networks, such as the Tora Bora Front of Anwar al-Haqq Mujahid, the son of Mawlawi Yunus Khalis, and others in the eastern provinces of Nangarhar, Kunar and Nuristan. Most importantly, it has sought out Afghan Uzbek clerics and small-time warlords in order to build a non-Pashtun Taliban presence in the north, which has led to a close alliance with IMU.

36. There does not appear to be any significant relationship between the Taliban and LeT, though there have been reports of LeT operatives training in Afghanistan. Reportedly, after the Mumbai attacks of November 2008, when LeT was under considerable pressure, its leader, Hafiz Muhammad Saeed (QI.S.263.08), sent a message to the Taliban leadership proposing a meeting with Mullah Omar or Mullah Baradar (listed as Abdul Ghani Baradar) (TI.B.24.01) to improve relations. The Taliban leadership did not respond.

2. Al-Qaida and associates linkages with the Afghan Taliban

(a) Al-Qaida leadership

37. The main concern of the new Al-Qaida leadership is to reassert its relevance and credibility from a secure base, and for this it needs local protection. This is currently more easily found on the Pakistan side of the border in areas of North Waziristan, where, despite the best efforts of the Pakistan Army and Frontier Corps, central authority is weak, than on the Afghan side, where Coalition forces have more reach. It is only in certain eastern provinces[29] that Al-Qaida might feel safe, and this part of Afghanistan is under the control of the Haqqani network and Gulbuddin Hekmatyar (QI.H.88.03), rather than of Taliban leaders.

38. The Al-Qaida leadership has forged extensive links with Pakistan terrorist groups as a way to strengthen its position. It has made Pakistan a principal target, planning and mounting attacks with associates from groups such as TTP,[30] HuJI,[31]

[28] In Ghazni, Khost, Paktia and Paktika.

[29] Kunar, Nuristan, parts of Khost, Paktika and Ghazni.

[30] For example, the attacks in Islamabad on the Danish Embassy on 2 June 2008 and the Marriot Hotel on 20 September 2008.

[31] For example, the attempts to assassinate President Musharraf in December 2003.

Lashkar i Jhangvi (LJ) (QE.L.96.03)[32] and HuM,[33] while other groups such as LeT have offered logistical support.[34] This focus on Pakistan has reduced the capacity of Al-Qaida to engage more directly in Afghanistan, and made it a less acceptable partner for the Taliban, which opposes such activity. The Al-Qaida leadership may see Afghanistan as an important element of its global agenda, and a highly successful part of the campaign to weaken the United States, but its actual contribution is small. Given its limited resources, it is more interested in directing its recruits and supporters to attack in places where there will be more publicity than in Afghanistan, where the Al-Qaida signature would be lost in the general mayhem of the insurgency.

(b) Other foreign fighters

39. Members of other groups on the Al-Qaida Sanctions List continue to fight in Afghanistan. Among them are Turks, Germans and other Europeans, often aligned with the Islamic Jihad Group (QE.I.119.05), and Chechens aligned with the Emarat Kavkaz (QE.E.131.11). Uzbeks in IMU and others from Central Asia who belong to groups such as the Eastern Turkistan Islamic Movement (QE.E.88.02) have also been active on both sides of the Afghanistan/Pakistan border. But aside from the Central Asians, these fighters are generally individuals who have decided to go to Afghanistan to fight without much strategic idea of where and why they should do so. While they may be loosely described as associates of Al-Qaida, in practice they may have no contact with the Al-Qaida leadership throughout their stay. IMU is the only group to have a significant presence in Afghanistan, especially since 2007, when local opposition forced them out of South Waziristan.

(c) Hizb-i Islami (Gulbuddin)

40. Gulbuddin Hekmatyar is the only Afghan leader to appear on the Al-Qaida Sanctions List.[35] He heads a faction of Hizb-i Islami and has a very long history of bloody opportunism, having spent much of his life fighting for political advantage in Afghanistan. Always ready to play any side against another, Hekmatyar has had alliances with both the Taliban and Al-Qaida. However, Taliban statements frequently criticize his actions and reject his participation in the future of the country, and in 2010 and 2011 there were several armed clashes and mutual assassinations between Taliban and Hekmatyar forces.[36] Despite his Afghan nationality, Hekmatyar appears on the Al-Qaida Sanctions List because his terrorist activities, although localized, are indiscriminate, and he has in the past had close relations with the Al-Qaida leadership. No doubt as a calculation of where his best

[32] LJ members appear to operate on behalf of Al-Qaida, perhaps as a result of the close link between Mati ur-Rehman (QI.M.296.11), formerly a member of LJ, and the Al-Qaida leadership.

[33] Fazul ur Rehman Khalil, head of HuM, was a co-signatory of Usama bin Laden's declaration of jihad in 1998. Badar Mansoor, a dissident member of HuM, runs a guest house for non-Pashtun volunteers and is close to the Al-Qaida leadership.

[34] For example, Zayn al-Abidin Muhammad Hussein (Abu Zubeidah) (QI.H.10.01), an Al-Qaida leader, was arrested by the Pakistani authorities at a LeT safe house in Rawalpindi.

[35] Three other individuals are listed as having been born in Afghanistan or having Afghan nationality.

[36] In the Afghan provinces of Baghlan, Wardak, Kapisa and Laghman.

hopes lie, since 2010 Hekmatyar has emphasized his Afghan credentials and played down his links with Al-Qaida.[37]

(d) Al-Qaida associates in Pakistan

41. There are several Pakistan-based groups on the Al-Qaida Sanctions List that have sent members to train or fight in Afghanistan. However, no group regards Afghanistan as its principal area of activity. This is particularly true for TTP, which has ordered its members not to fight there. Analysis of the linkages between the Taliban and Pakistan-based groups is complicated by the fact that when groups that recruit in Pakistan find that new members do not want to fight against their own State, they often pass them on to the Haqqani network for deployment in Afghanistan. Similarly, groups like LeT are reported to send recruits to Afghanistan for training, and others like HuM to have taken a direct part in operations.

V. Consequences of dual listing

42. In order to note the linkages between the Taliban- and Al-Qaida-related terrorists, the 1988 Committee and the Al-Qaida Sanctions Committee have the option to place names on both lists.[38] While this would certainly draw international attention to the linkages between those eligible for listing by both Committees, the Team recommends that the Committees take the following observations into account before pursuing this course of action.

43. First, the two lists at present have no overlap, and therefore make a useful distinction between parties that present a threat to the peace, security and stability of Afghanistan, and those that pose a broader threat to international peace and security through their membership in or association with Al-Qaida. While Al-Qaida may see Afghanistan as an important area of confrontation with its enemies, its priorities lie elsewhere; and while the Taliban and others associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan may have sympathy with the Al-Qaida agenda, their main objective is local.

44. Second, if one purpose of splitting the 1267 Committee List was to emphasize and exploit the strategic and tactical differences between the Taliban and Al-Qaida, dual listings would tend to undermine this. Just as international action can push Al-Qaida and the Taliban apart, so too can it push them together. Dual listings would give the impression that, despite the splitting of the 1267 List, the Security Council sees no fundamental difference between the Taliban and Al-Qaida.

45. Third, the criteria for the removal of a name from the 1988 List are now distinct from the criteria for removal of names from the Al-Qaida Sanctions List. The conditions for reconciliation between the Government of Afghanistan and the insurgents, as laid out in the Kabul Communiqué of 20 July 2010,[39] include the

[37] Hekmatyar has been negotiating with representatives of the Government of Afghanistan since 2010.

[38] As an example of dual listing by two committees, there are two names that appear on both the Al-Qaida Sanctions List and the Somalia/Eritrea sanctions list: Hassan Dahir Aweys (QI.D.42.01) and Hassan al-Turki (QI.A.172.04).

[39] Available from http://unama.unmissions.org/Portals/UNAMA/Documents/Kabul%20Conference%20Communique.pdf.

renunciation of violence, no links to international terrorist organizations, and respect for the Afghan Constitution, conditions that no member or supporter of Al-Qaida could possibly meet. Dual listings would make effective de-listing more complicated and would act as a disincentive for those on the 1988 List to join a political process.

46. Fourth, as a related point, Security Council resolution 1988 (2011) allows the Government of Afghanistan a significant role in preparing both listing and de-listing submissions for presentation to the Committee. This emphasizes the Afghan-centric nature of the regime and all those individuals whose names currently appear on the 1988 List have Afghan nationality. Dual listing would negate for those listings the important role given to the Government of Afghanistan by Security Council resolution 1988 (2011). It would also make it far harder for the Afghan Government to exploit the splitting of the lists in pursuance of a peace process.

47. The High Peace Council appointed by the Government of Afghanistan to promote peace and reconciliation believes that all Afghan insurgents should be listed only under the 1988 regime.[40] While conceding that some may be considered a worldwide terrorist threat, the High Peace Council argues that the new 1988 Committee regime should be given a chance to work to see if it can wean Afghans away from supporting Al-Qaida.

48. The High Peace Council is also concerned that the dual listing of some Afghan individuals might provide them with international standing and so help them to attract more recruits, rather than brand them only as Afghan insurgents. Its members suggest allowing more time to see how those individuals who may be eligible for dual listing react to the splitting of the List and recommend a regular system of appraisal.

49. Fifth, the threat of dual listing might be more effective than the actual impact of being listed. Indeed, individuals on the 1988 List could be influenced by an ultimatum that their names would be added to the Al-Qaida Sanctions List unless there was an immediate and verifiable change of behaviour. The addition of the name in these circumstances would have a rationale and act as a warning to others.

50. Sixth, insofar as the sanctions regimes are intended to bring about a change of behaviour, the situation with respect to de-listing would be complicated by the inclusion of a name on both lists. If the Al-Qaida Sanctions Committee decides to remove from the Al-Qaida Sanctions List a name that also appears on the 1988 List, it should not need to go through any additional process to lift all sanctions. Just as the Government of Afghanistan has no role in removing names from the Al-Qaida Sanctions List, nor does the Ombudsperson have any mandate in connection with the 1988 List. The Committees should not have to decide whether the de-listing procedures of one Committee should take precedence over those of the other.

51. Seventh, if the two Committees decided to enter one or more names on both lists, there would inevitably be much speculation as to why those names were chosen above others, and why those individuals or groups were therefore so specifically excluded from or included in the political process in Afghanistan.

52. Eighth, the two sanctions regimes require States to implement identical measures against those that appear on either list. The inclusion of a name on a

[40] Discussion with the Monitoring Team in September 2011.

second list would not add any further restriction to their activities; it would only have symbolic effect.

VI. Recommendations

53. Accordingly, the Monitoring Team makes the following recommendations:

(a) The Committees should avoid agreeing to dual listings unless there is a clear, obvious and practical advantage in doing so;

(b) In accordance with the relevant listing criteria, additions to the 1988 List should be of individuals, groups or entities with objectives solely related to Afghanistan, whereas additions to the Al-Qaida Sanctions List should be of individuals, groups and entities with a broader agenda, even should it include Afghanistan;

(c) All Afghan nationals eligible for listing should be added to the 1988 List unless it is clear that the relevant activity is primarily in support of Al-Qaida;

(d) If a Member State should submit a listing proposal for the same name to both Committees, the Committee Chairs should, in consultation with Committee members, decide whether the activity concerned is related more to Afghanistan or to Al-Qaida's global objectives, and consider the proposal only in the most appropriate Committee;

(e) The two sanctions Committees should consider a procedure for moving a name from one List to the other without going through a process of listing and de-listing. This would allow a quick transfer of a name from the 1988 List to the Al-Qaida Sanctions List, should the individual oppose the political process in Afghanistan by refusing to reject support for Al-Qaida;

(f) Listings on either list may mention broader associations, but the Committees should request the Monitoring Team to amend the narrative summaries of reasons for listing for entries on both lists to ensure that they reflect the listing criteria set out in Security Council resolutions 1988 (2011) and 1989 (2011), as appropriate;

(g) The 1988 Committee should request the Government of Afghanistan and the Monitoring Team regularly to review the existing linkages between individuals on the 1988 List and those on the Al-Qaida Sanctions List, and bring any significant information to the attention of the Committee.

Annex

Foreign fighters killed and captured from January 2010 to mid-September 2011

Table 1
Occurrence of foreign fighters in Afghanistan[a]

Year	*Arrested*	*Killed*
2007	149	108
2008	90	184
2009	30	100
2010	111	98
2011 (mid-September)	68	92

Table 2
Distribution of killed and arrested foreign fighters[b] and Al-Qaida operatives[c] by province, from January 2010 to September 2011

Province	*Foreign fighters arrested*	*Foreign fighters killed*	*Al-Qaida killed*	*Al-Qaida arrested*
Badakhshan	4	0		
Balkh	1	0		1
Bamyan	2	0		
Farah	1	1	1	
Faryab	0	5		
Ghazni	40	16		8
Hilmand	7	20		
Hirat	0	3		
Kabul	8	0		
Kandahar	17	4	1	2
Kapisa	0	4		
Khost	13	6		2
Kunar	0	5	17	2
Kunduz	5	19	3	
Laghman	8	4		
Logar	4	4		
Nangarhar	19	1	3	3
Nimroz	0	6		
Nuristan	9	35		

[a] The Monitoring Team's analysis of daily security reports produced by the United Nations Department of Safety and Security in Afghanistan covering the period 2007-2011.
[b] The Monitoring Team's analysis of daily security reports produced by the United Nations Department of Safety and Security in Afghanistan covering the period 2010-2011.
[c] Based on ISAF figures in press releases covering the period January 2010-September 2011.

Province	*Foreign fighters arrested*	*Foreign fighters killed*	*Al-Qaida killed*	*Al-Qaida arrested*
Paktika	0	25		
Paktia	7	12	1	
Parwan	3	0		
Takhar	1	0	2	2
Uruzgan	7	3		
Wardak	4	4		
Zabul	19	13	10	2
Total	**179**	**190**	**38**	**22**

Table 3

Map showing distribution of killed and arrested foreign fighters and Al-Qaida operatives January 2010 to September 2011

Data source: UNDSS-Afghanistan daily reports and ISAF Joint Command daily operational updates analysed by the Monitoring Team

Date: 18 September 2011

Disclaimer: The boundaries and names on the map do not imply official endorsement or acceptance by the United Nations

LEGEND

- **International boundary**
- **Provincial boundary**
- **Foreign fighters killed**
- **Foreign fighters arrested**
- **Al-Qaida killed**
- **Al-Qaida arrested**